IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 4384 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI, J.
MARCH 12, 2007.

Heard Shri Kishor Lambat, learned counsel for the petitioner, Shri Mohta, learned counsel for respondent No.1 and Shri Kankale, learned AGP for respondent No.2.

It is apparent that the petitioner claims to be independently in possession of lands which as per revenue records belonged to Respondent No.1. Respondent No.1 states that it is she who has placed him in cultivating position for cultivating lands on her behalf. The issue answered is in favour of Respondent No.1 by the Tahsildar and Sub-Divisional Officer while the Additional Collector found that present respondent No.1 ought to have filed Civil Suit to establish her contention. In Revision, the Additional Commissioner has noticed that the entry of possession by present petitioner has been taken because of spot inspection

conducted in violation of Rule 31 of Rules framed under Maharashtra Land Revenue Code. He, therefore, has set aside the order of Additional Collector and restored the order passed by the lower authorities. It is apparent that none of the parties have filed Civil Suit to establish their right either to title or to the possession of the land. From the arguments, it is also apparent that the issue needs to be decided by the competent Civil Court. The revenue authorities cannot adjudicate upon it and entries in revenue record are only for fiscal purposes.

In the circumstances, I do not find any jurisdictional error or perversity in the order passed by the Additional Commissioner. The parties are free to file Civil Suit against each other and if Civil Suit is filed, the Court shall pass fresh orders as per evidence led before it. It will not be influenced by any of the orders passed by the revenue/ appellate authorities. With these observations, writ petition is dismissed. No order as to costs.

JUDGE

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